

Application No.: 10/567,797
Reply to Office Action of: 03/22/2007
Amendment Dated: 04/23/2007

Remarks/Arguments

Applicants have herein amended claims 1 and 10, and cancelled claims 5 and 13. The amended claims are fully supported by the specification and thus do not introduce any new matter. Applicants reserve the right to prosecute any canceled subject matter in timely-filed continuation applications. Applicants wish to thank Examiners Leeser and Tucker for discussing the application their representative.

Applicants' undersigned representative discussed the instant application with Examiners Leeser and Tucker in a telephone interview on March 13, 2007. In that interview, the Examiners raised issues, which are discussed hereinbelow.

The Examiners alleged that the phrase "optionally substituted" as recited in claims 1 and 10 does not indicate what the substituents are. In response, applicants have amended claims 1 and 10 to remove, in most instances, the language "optionally substituted." Applicants note, however, that with regard to the terms "alkyl" and "alkylcycloalkyl" for substituent R², claims 1 and 10 have both been amended to recite the substituents present on these groups. Support for these substituents may be found in dependent claims 5 and 13 as originally filed. Claims 5 and 13 have each been canceled by this amendment.

The Examiners noted that in claim 1, divalent groups are listed as alternative identities for monovalent substituents, citing "carbonyl, sulfide, sulphone, and sulfoxide" as examples. In response, applicants have amended each of these terms to indicate in each case the presence of an alkyl group, thus making these groups monovalent. Support for this amendment may be found in the dependent claims. For example, among the definitions provided for substituent R¹ in dependent claim 3 is "-C(=O)C₀₋₄alkyl." Such a definition implies the presence of an alkyl group on the "carbonyl" definition of claim 1.

The Examiners alleged that the "Het" variable is not defined, and suggested changing it to "heterocycle." Examiners respectfully direct the Examiners' attention to page 28 of the specification, lines 17 to 26, for a definition of "Het."

The Examiners discussed the use of "C₀₋₄" in claims 2 to 4, and stated that the use was problematic, alleging that when C is O, it implies the presence of a bond. Applicants respectfully disagree, and point out to the Examiners that when C is 0, convention holds that it refers to hydrogen rather than a bond. For example, the definition "-N(C₀₋₄alkyl)(C₀₋₄alkyl)"

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thus refers to $-NH_2$, $-N(H)(C_{1-4}alkyl)$, and $-N(C_{1-4}alkyl)_2$. Interpreting "C₀₋₄" accordingly should resolve any of the potential problems alleged by the Examiners.

Finally, the Examiners noted that in claims 1 to 10, there are ranges listed within a range using the term "preferably." In response, applicants note that in each instance they have removed the word "preferably" and any range preceded by it.

In view of the foregoing amendments and remarks, it is applicants' belief that the pending claims are in condition for allowance. The Examiner may address any questions raised by this submission to the undersigned. Should any other fee required for timely consideration of this submission, it may be charged to deposit account No. 50-3231, under Case No. 100171-1P US from which the undersigned is authorized to draw.

Respectfully submitted,

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